

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE TOWN OF  
WARRENTON HELD ON JUNE 14, 2005

The regular meeting of the Council of the Town of Warrenton was held on June 14, 2005 in the Town Council Chambers.

Councilmembers present: Mayor George Fitch, presiding, Vice Mayor David A. Norden, Councilmen Birge S. Watkins, John V. Albertella, John E. Williams, Dennis M. Sutherland, Terrence L. Nyhous and John S. Lewis, Jr.

Also present: Kenneth L. McLawhon, Town Manager and Evelyn J. Weimer, Town Recorder.

The invocation was given by Councilman John S. Lewis, Jr.

**CITIZENS TIME.**

Mr. Terry Moffat, representing Fauquier County's Promise, briefed Council on the organization's proposed event, Teen Fest '05, and requested a contribution to help with expenses. Council noted that the item would be addressed later in the meeting.

**PUBLIC HEARINGS.**

Consideration of the proposed revised budget for fiscal year 2004-2005.

The Mayor opened the public hearing at 7:03 p.m.

The Mayor called for citizens to speak for or against the proposed revised budget. There being no citizens wishing to speak, the public hearing was closed at 7:04 p.m.

**RESOLUTION**

BE IT RESOLVED by the Council of the Town of Warrenton that all outstanding encumbrances for Fiscal Year ending June 30, 2005 shall be carried over to the next fiscal year including the following:

Fund	Account	Description	Amount
General	4-100-12700-3100	Professional Services – Data Processing	10,000.00
General	4-100-81100-3100	Professional Services – Planning & Community Dev	5,187.78
General	4-100-81100-3104	Professional Services – Zoning & Subdivision Ordinance	13,872.00
General	4-100-41500-3990	Payments on Contracts	8,342.75
General	4-100-41500-8257	Street Paving	25,000.00
Capital Projects	4-301-94500-8117	Gold Cup Trail	24,000.00
W/S	4-501-45100-6009	Repairs Equipment	6,100.00
W/S	4-501-45200-8830	Water Plant Improvements	75,000.00
W/S	4-501-45400-3105	Professional Services – Data Processing	9,000.00
W/S	4-501-45500-8835	Sewer Plant Improvements	95,000.00
W/S	4-501-45500-8906	Cedar Run Pump Station Upgrade	65,000.00

Total			336,502.53
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BE IT FURTHER RESOLVED by the Council of the Town of Warrenton that the following unexpended appropriations or the remaining balance included in the Budget for the Fiscal Year ending June 30, 2005, are hereby authorized to be reserved:

Fund	Account	Description	Amount
General	4-100-81100-8207	Equipment – Data Processing	5,000.00
General	4-100-41600-8257	Street Improvements & Paving	45,000.00
General	4-100-71200-8264	Playground Equipment	4,500.00
Capital Projects	4-301-94500-8102	Sidewalk Improvements	23,000.00
Capital Projects	4-301-94500-8121	Drainage	51,000.00
W/S	4-501-45500-8835	Sewer Plant Improvements	55,000.00
W/S	4-501-45500-8866	Sewer Plant Rehabilitation	125,000.00
W/S	4-501-45500-8868	Water Line Replacement	175,000.00
W/S	4-501-45500-8902	Rady Park Pump Station Upgrade	207,000.00
Total			690,500.00

BE IT FURTHER RESOLVED by the Council of the Town of Warrenton that the following previously authorized expenditures, which were approved in previous years, outside of the Fiscal Year ending June 20, 2005, are hereby designated to be paid out of reserves:

Fund	Account	Description	Amount
Capital Projects	4-301-94500-8096	Recreation Center – Phase 1 Site Work	1,047,250.10
Capital Projects	4-301-94500-8121	Drainage	37,680.00
Total			1,084,930.10

On a motion by Mr. Watkins, seconded by Mr. Nyhous, the revised budget was approved on a 7-0 vote (for: Norden, Watkins, Albertella, Williams, Sutherland, Nyhous, Lewis).

Amendment of the FY 2004-2005 budget for additional appropriation not to exceed \$450,000.

The public hearing was opened at 7:05 p.m.

The Mayor called for citizens to speak for or against the proposed revised budget. There being no citizens wishing to speak, the public hearing was closed at 7:06 p.m.

On a motion by Mr. Nyhous, seconded by Mr. Sutherland, the following resolution was approved on a 7-0 vote (for: Norden, Watkins, Albertella, Williams, Sutherland, Nyhous, Lewis).

**RESOLUTION REAFFIRMING THE TOWN'S COMMITMENT TO THE  
CONSTRUCTION OF A VISITORS' CENTER AND AUTHORIZING A SUPPLEMENTAL  
APPROPRIATION TO THE 2004-2005 BUDGET**

**WHEREAS**, the Town Council unanimously voted to acquire The Brentmoor property on January 13, 1999; and

**WHEREAS**, the purchase of this property was for the purpose of providing the community with a Civil War museum, visitor center, African-American museum, seminar facility and community park, and

**WHEREAS**, on January 29, 2001 the Town Council of the Town of Warrenton submitted a grant application and was subsequently awarded \$300,000 by the Virginia Department of Transportation for a Transportation Efficiency Act-21 (TEA-21) grant to construct a visitor's center and parking lot on the Brentmoor Mosby Spillman property, and

**WHEREAS**, on January 30, 2002 the Town Council of the Town of Warrenton submitted a grant application and was subsequently awarded \$250,000 by the Virginia Department of Transportation for a Transportation Efficiency Act-21 (TEA-21) grant to construct a visitor's center and parking lot on the Brentmoor Mosby Spillman property, and

**WHEREAS**, the Town Council wishes to reaffirm the preceding actions and further supplement the FY 2004-2005 budget and appropriate additional funds in the amount of \$450,000 for the purposes stated above,

**NOW, BE IT RESOLVED** by the Council of the Town of Warrenton that the following supplemental appropriation in the Budget for the Fiscal Year ending June 30, 2005, are hereby authorized and appropriated:

Fund/Account	Description	Amount
Capital 4-301-94500-8092	Visitor's Center	\$450,000
Total		\$450,000

Ordinance 2005-2, an Ordinance Updating Chapter 7, "Fire Prevention and Protection", Specifically Adding Section 7-24, Entitled "Juvenile Membership" to the Code for the Town of Warrenton Regarding Junior Firefighter policies as defined by the Department of Labor and Industry.

The Mayor opened the public hearing at 7:07 p.m. The Mayor asked members of the Fire Department to address Council and citizens.

**Mr. Scott Taylor.**

Mr. Taylor stated that the Town currently did not have an ordinance which applied to junior firefighters which other jurisdictions in the area currently have. He further stated that he had forwarded information to the Town Attorney on the proposed ordinance.

The Mayor called for citizens to speak for or against the ordinance. There being no citizens wishing to speak for or against the ordinance, the public hearing was closed at 7:08 p.m.

On a motion by Mr. Nyhous, seconded by Mr. Norden, Ordinance 2005-2, an Ordinance Updating Chapter 7, "Fire Prevention and Protection", Specifically Adding Section 7-24, Entitled "Juvenile Membership" to the Code for the Town of Warrenton Regarding Junior Firefighter

policies as defined by the Department of Labor and Industry was adopted on a vote of 7-0 (for: Norden, Watkins, Albertella, Williams, Sutherland, Nyhous, Lewis).

Ordinance 2005-6, an Ordinance Amending Chapter 10, Entitled "Speed Limits on Certain Streets, etc." Section 10-5(a) and Section 10-5 (b) of the Code for the Town of Warrenton.

The Mayor opened the public hearing at 7:09 p.m. and called upon Mr. Edward Tucker, Director of Public Works/Utilities.

Mr. Tucker stated that the ordinance dealt with speed limits on Walker Drive, located off of Blackwell Road. He noted that currently the speed limit is 35 miles per hour and the road, when originally designed, was for two lanes and four have been added with the completion. He noted two areas where there were tight curves which reduce sight distance and because of requirements when The Ridges property was developed, a berm to shield it from the business park caused reduction in sight distance. He stated that staff has proposed that the speed limit be reduced to 25 miles per hour on Walker Drive down to Breezewood Drive which would be primarily in the residential areas. He indicated that the reason not to extend it to Edgemont was because coming from Lee Street down the long grade, the vehicles would have a hard time holding a 25 mile per hour speed limit.

The Mayor called for citizens to speak for or against the ordinance. There being no citizens wishing to speak for or against the ordinance, the public hearing was closed at 7:10 p.m.

Mr. Watkins pointed out there were two versions of the Ordinance to consider, one to Breezewood Drive and another further down to Edgemont. He noted that if the Breezewood version was adopted and there was a need to reduce the limit further, then it could be changed at a later date.

On a motion by Mr. Watkins, seconded by Mr. Sutherland, Ordinance 2005-6, an Ordinance Amending Chapter 10, Entitled "Speed Limits on Certain Streets, etc." Section 10-5(a) and Section 10-5 (b) of the Code for the Town of Warrenton (the Breezewood version) was adopted on a 7-0 vote of Council (for: Norden, Watkins, Albertella, Williams, Sutherland, Nyhous, Lewis).

ZOTA #05-01, Zoning Text Amendment. An amendment to the Town of Warrenton Zoning Ordinance, Section 25-10 (D), to revise the text to increase the number and area of wall signs for development in the Industrial District that possess frontage on two (2) streets.

The Mayor opened the public hearing at 7:12 p.m. and called upon Mr. Christopher Mothersead, Planning Director, to present his report.

Mr. Mothersead stated that the request was for a text amendment for Holiday Inn Express concerning signs. He further stated that only one sign would be allowed for each side of a building fronting a street and in commercial areas there are three different signs allowed. He noted that the following amendment was requested: "For buildings with walls on two streets, wall signs, painted or otherwise, are limited to three (3) in number not to exceed one hundred (100) square feet per sign. The total signage for any side is limited to one hundred and fifty (150) square feet.

Mr. Mothersead indicated that there were 28 lots could be affected in the limited industrial district and of those all were eligible for dual signage opportunity with the exception of five. He noted that those along the bypass had the option of a pole sign and that staff would rather

discourage that in favor of signage of this nature. He stated that staff recommended the following amendments to the sign provisions, Section 25-10 (D), "Wall signs, painted or otherwise, shall be subject to the following limitations:"

1. For buildings with walls fronting on one street, wall signs are limited to one (1) in number and shall not exceed an area of one hundred (100) square feet or ten (10) percent of the area of the wall on which it is placed, whichever is less."
2. "For commercial buildings as identified in the zoning district with walls with frontage on two or more streets, the total wall signs for a building are limited to three (3) in number and shall not exceed an aggregate total of two hundred (200) square feet. No single wall sign shall exceed an area of one hundred (100) square feet, or ten (10) percent of the wall on which it is placed, whichever is less."

He stated that the Planning Commission reviewed the application at their May 18 meeting and there were originally 150 aggregate square feet and they recommended it be raised to 200 square feet which was compatible with the commercial district.

Mr. Watkins stated that the number of buildings eligible for the amendment was numerous. Mr. Mothersead stated that many are already developed and there would not be many eligible for the use. Mr. Watkins asked if those that are developed would they be entitled to this signage and Mr. Mothersead stated that they would be entitled if they qualified under the commercial uses. He further noted that in the IL district commercial uses are very specific.

Mr. Watkins asked what the signage terms were for the original special use permit and Mr. Mothersead indicated that the business park is controlled by covenants but the signage provisions for the IL district are more restrictive than the commercial district.

Mr. Mothersead stated that the applicant was asking for the opportunity to put the same sign on the south end of the building that is located on the north end of the building because a number of travelers missed the motel coming through and could not find a way to get back to it.

Mr. Albertella asked if all of the 23 areas noted by the Planning Director were located in the Lineweaver Industrial Park and Mr. Mothersead stated that some were there and some were located just to the south of Old Academy Hill Road.

Mr. Watkins stated that there could also be property located along the Route 17 Spur. Mr. Mothersead confirmed that there was property located along there as well that would qualify. Mr. Watkins noted that a number of changes had been requested over the last few years and that they were waiting due to the proposed update to the zoning ordinance. He felt that the application is considered an exception to him versus being included with the entire zoning package.

Mr. Albertella asked if an ordinance could be prepared that provides for a waiver. Mr. Mothersead stated that he did not believe so in Virginia, since it was a Dillon Rule state, but that the Town Attorney would have to address that question.

Mayor Fitch asked the applicant to address Council.

**Mr. Glen Petty.**

Mr. Petty stated that he was a partner in Hackberry Creek, LLC which owns the Holiday Inn Express. He noted that it was not ever their intention to change the landscape but to resolve a practical problem. He stated that their franchise agreement required them to have a sign on the front of the building and the way the ordinance was written, there could only be two signs. Mr. Petty indicated that vehicles pass the area and they don't know where the building is.

The Manager noted that the approach of Dr. Robert Thomas, Hackberry Creek, LLC, was not to use the pole sign which was allowed since he wanted to be more conservative.

Mr. Norden asked if the franchise agent would not bend on requiring a sign on the front and Mr. Petty stated he could verify that the Holiday Inn franchise was not flexible on anything. Mr. Norden asked if the 150 square feet would work to replicate the sign on the north end of the building and Mr. Petty responded that it would or very nearly. Mr. Petty stated that the recommendation to increase the sign size from 150 to 200 square feet had come from one of the Planning Commission members.

The Mayor called for citizens to speak for or against the application.

**Mr. Larry Kovalik.**

Mr. Kovalik, 39 Brookshire Drive, noted where you get to the point where the sign would be visible, you are past the location. He further noted that there are signs on Business 29 indicating services at exits. He felt that would help.

There being no other citizens to speak, the public hearing was closed at 7:27 p.m.

Mr. Albertella noted that he was not in favor of approving the application until it is known whether Council could create a waiver. He moved that the request be tabled until further review. Mr. Watkins seconded the motion.

Mr. Williams asked if there was an urgency and it was noted that it was the busy summer season and the motel had been open for a year. Mr. Watkins stated he was not opposed to the sign but the precedent it would create.

The Mayor asked how Council would rationalize requiring a waiver or the applicant installing a pole sign. Mr. Lewis suggested tabling the matter for 30 days and have the Town Attorney look at the application.

On a vote of 7-0 (for: Norden, Watkins, Albertella, Williams, Sutherland, Nyhous, Lewis) the motion was approved.

Consideration of Special Use Permit #05-02, Gold's Gym. A request for a Health and Fitness Center at the Warrenton Town Center located on Frost Avenue, Route 211. The property is zoned CL Commercial Limited and is part of an existing shopping plaza.

The Mayor opened the public hearing at 7:30 p.m. and called upon Mr. Mothersead to give his report.

The Planning Director stated that the request was to operate a commercial recreation establishment/health fitness center at the 627 Frost Avenue location. He indicated the applicant would be using the former movie theater facility. He stated that the space was about 119,885 gross square feet and the use equated to 10.9% of the gross square feet. Land area was 2.8%. He stated it would coexist with a home furnishing store, food service, pharmacy, and a number of other retail uses in a consolidated plaza. He further stated that there are 516 parking spaces and since it was formerly a movie theater and indicated the evaluation criteria that was used to analyze the application. He indicated that the movie theater in the neighborhood of 700-765 vehicle trips were weekend and 48 in the peak hour (4:00 – 6:00 p.m.) and the fitness club would be on an average 358 vehicles per weekday and 55 in the peak hour, which was from 6:00 to 7:00 p.m.

Mr. Mothersead commented that the Planning Commission members had indicated a concern that the high school was in the area and had a high impact of its own early the morning and mid-afternoon. He stated that there was a drop of about 89 vehicle parking spaces, no new demand for water and sewer, no new changes in lighting for the parking and all changes would be internal building changes.

The Planning Director stated that staff had reviewed and found that the use would be a lower impact use and fit in well with the plaza. The Planning Commission supported the following conditions:

- 1) The use be restricted to the existing building and expansion not be considered to the structure without reassessment of the impacts as identified and a site plan amendment in accordance with the Warrenton Zoning Ordinance.
- 2) Two (2) parking spaces must be removed on the west side of the building at the emergency exit of the building to ensure safe egress.
- 3) Operating hours are generally not a factor as the adjacent uses are not residential. However, the plaza generally operates between 6:00 a.m. and 10:00 p.m. and the new recreational center should be consistent with those hours.
- 4) Any signage for the new facility will be subject to a separate permit and approval.

The Mayor called for the applicant to speak.

**Mr. Jack Kozowano.**

Mr. Kozowano, one of the partners in the Gold's Gym, and that there should be no impact on parking and traffic on Van Roijen Street and Route 211.

Mayor Fitch asked if there were citizens to speak for or against the application. There being no citizens wishing to speak, the public hearing was closed at 7:40 p.m.

On a motion by Mr. Nyhous, seconded by Mr. Sutherland, the Special Use Permit #05-02, Gold's Gym, was approved with the four conditions noted by the Planning Commission was approved on a Council vote of 7-0 (for: Norden, Watkins, Albertella, Williams, Sutherland, Nyhous, Lewis).

Consent Agenda.

- a) Approval of and subsequent addition of the attached Conflict of Interest document to the Council minutes of the regular meeting held on May 10, 2005.
- b) Financial statement and staff reports and Board and Commission minutes.
  - a. Financial statement for period ending May 31, 2005.
  - b. May statement of accounts paid.
  - c. Miscellaneous staff reports.
  - d. Minutes of the February 16, 2005 and March 16, 2005 meetings of the Planning Commission.
- c) Consideration of request to close streets for the annual Fathers' Day Car Show to be held on Sunday, June 19, 2005.
- d) Consideration of request to close streets for the 4<sup>th</sup> of July parade.
- e) Consideration of request of Habitat for Humanity for reimbursement of fees totaling \$11,679.25.
- f) Consideration of approval to hold Hispanic Heritage Day 2005 at Eva Walker Park on Saturday, June 25, 2005.
- g) Public Improvement Bond Release - Request for the release of all outstanding bonds for the Old Gold Cup Subdivision:
  - i. Section 1 – No. 3441760 (\$ 34,485.00)
  - ii. Section 2 - No. 5623964 (\$ 47,400.00)
  - iii. Section 2A – No. 5623968 (\$143,735.64)
  - iv. Section 2B – No. 5623966 (\$294,915.20)
  - v. Section 2C – No. 5439829 (\$297,644.48)
  - vi. These instruments were reduced to Maintenance Bonds in December 2003 and were to be held for 12 months. The term has expired and the improvements for which the surety was held have largely been completed.
- h) Letter of Credit Reduction – Request for reduction of Letter of Credit No. 9530006143100003 currently held for the improvements to North Rock, Phase V (16 units,



SDP #03-04). The request is to reduce the surety from its current amount of \$170,861.75 to \$42,517.00 or 15% of the original bond. This would be the final Maintenance Bond required to be held for a 12 month period.

- i) Letter of Credit Reduction – Request for reduction of Letter of Credit No. 5300322-4601 currently held for the improvements to North Rock Commercial, Building E (SDP #04-02). The request is to release the surety, currently in the amount of \$90,790.00. However, there have been no previous reductions and the maximum reduction allowed in accordance with the Zoning Ordinance is 85 % leaving a 15% Maintenance Bond to insure durability of all installed improvements. This requires a bond of no less than \$13,618.50 (15%) as a Maintenance Bond to be held for a 12 month period.
- j) Approve real estate bills under \$1 to be written off.
- k) Consideration of request of Partnership for Warrenton for annual Old Town merchants sidewalk sale.
- l) Consideration of appointments of members to the Economic Development Advisory Committee.

Mr. Watkins noted that there was a mistake in the Planning Commission minutes in that he was in attendance at the meeting on February 16, 2005 but was not at the March 16, 2005. He requested the minutes be corrected.

Mayor Fitch noted that item “l”, consideration of appointments of members to the Economic Development Advisory Committee would be moved to the “Reports and Communications” section of the agenda under “Report from the Economic Development Advisory Committee.”

On a motion by Mr. Watkins, seconded by Mr. Nyhous, the Consent Agenda was approved as amended on a vote of 7-0 (for: Norden, Watkins, Albertella, Williams, Sutherland, Nyhous, Lewis).

## **REPORTS AND COMMUNICATIONS.**

- a. Report from Town Attorney.

The Town Attorney was not in attendance at the meeting.

- b. Report from Finance Committee.

Mr. Watkins, Chairman, indicated that a performance evaluation should be completed for the Town Manager. After discussion of how evaluations were handled in the instance of the previous Manager, it was decided that Mayor Fitch would develop a process and circulate it to Council.

- c. Report from the Police Committee.

Mr. Lewis, Chairman, stated there was no report.

d. Report from the Public Information Committee.

Mr. Albertella, Chairman, noted that the deadline for the next issue of the newsletter was June 21 and that the Public Information Committee had indicated an interest in visiting Orange to talk with their public relations representative. Mr. Albertella stated that there would be a Public Information Committee meeting held in July and the media would be invited. He indicated that the Committee would be talking with them concerning how the Town and they could work better together.

e. Report from the Public Works Committee.

Mr. Lewis, Chairman, stated that there was no report.

f. Report from the Utilities Committee.

Mr. Nyhous stated that he had visited the Water Treatment Plant concerning the capacity upgrade and everything was on schedule. Mr. Tucker noted that there was 10 percent of the work to be done.

g. Report from Airport Committee.

Mr. Lewis noted that there was no report.

h. Report from Planning District 9 Representative.

Mr. Albertella, the Town's representative to PD-9, stated that there would be meeting held on June 16.

i. Report from Transportation Safety Commission.

Mr. Watkins, Chairman, stated that the Committee met on June 9, 2005.

j. Report from Economic Development Advisory Committee representative.

Mr. Williams noted that Committee representatives visited Lord Fairfax Community College recently and had a good exchange of data on how they could help with the small business venture.

Mr. Williams stated that there were a number of individuals being considered for the Committee including, Ms. Christine Fox, Mr. Jim Rankin, Mr. Michael Baldauf, Mr. Robert "Pooch" McClanahan and Ms. Anne Marie Walsh.

k. Report from Recreation Committee.

Mr. Sutherland, Chairman, noted that he had received a timeline for the Recreation Center he proposed a Recreation Committee meeting at the July 7 worksession.

l. Report from Joint Communications Board representative.

Mr. Albertella noted that there was no report.

m. Report from Liaison Committee representative.

Mr. Watkins stated that the County now had a Liaison Committee composed of Mr. Richard Robison and Mr. Harry Atherton.

Mr. Nyhous stated that the two at large Councilmen could serve as representatives to the Liaison Committee with other Committee Chairmen attending if a matter which would fall under their Committee's purview attending.

The Mayor proposed that the committees goals and structure be discussed at the worksession since he felt that there were too many committees and they are using too much staff time.

n. Report from the Parking Committee.

Mr. Lewis stated that had no report.

o. Report from the Town Manager.

Mr. McLawhon called upon Reverend Winter to pay tribute to Mr. Skeeter Craun who recently passed away for his 63 years of service to the Fire Department.

**COUNCILMEMBERS' TIME.**

Mr. Nyhous noted that the Fire Company and Rescue Squad have merged.

Mr. Albertella indicated that Fauquier County's Promise request for monetary assistance had not been discussed. Mr. Lewis moved that the request for funds be denied and Mr. Norden seconded the motion. Mr. Albertella noted that there was not a system of reviewing requests from agencies and organizations for funding. He felt a new committee should be established to evaluate and consider the requests.

On a vote of 6-1 (for: Norden, Watkins, Williams, Sutherland, Nyhous, Lewis; against: Albertella) the motion passed.

There being no further business the meeting adjourned at 8 p.m.

Evelyn J. Weimer, Town Recorder